

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NATHANIEL SIMS,

Plaintiff,

-against-

JACK SHAPIRO; CINDY KATZ,

Defendants.

24-CV-2383 (LTS)

ORDER OF DISMISSAL  
UNDER 28 U.S.C. § 1651

LAURA TAYLOR SWAIN, Chief United States District Judge:

On July 29, 2022, Plaintiff was barred under 28 U.S.C. § 1651 from filing any new action *in forma pauperis* (“IFP”) without first obtaining from the court leave to file. *See Sims v. Optimum TV*, ECF 1:22-CV-3750, 5 (S.D.N.Y. July 29, 2022). Plaintiff, who is currently incarcerated at the Otis Bantum Correctional Center on Rikers Island, filed this new *pro se* case, seeking IFP status, and he has not sought leave from the court. Plaintiff filed this action with a prisoner authorization but without a completed IFP application. By order dated March 29, 2024, the Court directed Plaintiff to pay the filing fees or submit a completed and signed IFP application. (ECF No. 4.) Because Plaintiff is barred from filing any new action IFP without first obtaining permission from the court, the Court vacates its March 29, 2024 order and dismisses the action without prejudice for Plaintiff’s failure to comply with the July 29, 2022 order.

**CONCLUSION**

The Court’s March 29, 2024 order (ECF No. 4) directing Plaintiff to pay the filing fees or submit a completed and signed IFP application is vacated.

The Court dismisses the action without prejudice for Plaintiff’s failure to comply with the July 29, 2022 order.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf.*

*Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to enter judgment in this action.

SO ORDERED.

Dated: April 3, 2024  
New York, New York

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
Chief United States District Judge